

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Michael R. SONG et al.)) Examiner: LIANG, Vei Chung
Title: UNIVERSAL KNOWLEDGE INFORMATION)
AND DATA STORAGE SYSTEM) Art Unit: 2169
Serial No.: 10/541,798) Confirmation No.: 4211
Filed: July 8, 2005)) (Docket No. 1041-0001WOUS)

Guilford, Connecticut, December 4, 2008

AFFIDAVIT OF MICHAEL R. SONG
FILED UNDER 37 CFR 1.132

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Michael R. Song, being duly sworn and having personal knowledge of the facts set forth herein, hereby depose and say that:

1. I am one of the inventors of the invention disclosed and claimed in United States Patent Application Serial No. 10/541,798 that was filed on July 8, 2005 and is entitled, "UNIVERSAL KNOWLEDGE INFORMATION AND DATA STORAGE SYSTEM."
2. I am Chief Executive Officer of Cohesive Knowledge Solutions, Inc. ("CKS") of Guilford, Connecticut.
3. I received a Bachelor of Arts degree in Business Administration from The University of Connecticut, in Marketing in 1987. Since 2003, I have worked in the information work productivity industry and have lectured extensively on "knowledge work," the act of creating, using and sharing information as part of business processes.
4. I am a co-author of a book entitled "THE HAMSTER REVOLUTION REVOLUTION," by Mike Song, Vicki Halsey and Tim Burress, Berrett-Koehler Publishers, Inc., San Francisco, CA (USA), where from pages 81 to 104, the inventive universal knowledge information and data storage system as recited in Claims 1-22 of the present application is described. Copies of the book were provided to Examiner Vei Chung Liang and to Supervisory Primary Examiner Kuen S. Lu during an in-person interview conducted on

November 13, 2008. It is respectfully requested that the book be considered as part of this Affidavit. I further submit that, in my opinion:

- a. there has been a long felt need in business for a system to improve storage and retrieval of information and documents such as the universal knowledge information and data storage system recited in Claims 1-22 of the present application, as is evidenced by pre-training surveys conducted by CKS in 2003. Relevant portions of the pre-training surveys are summarized in documents appended to this Affidavit as Exhibit A;
- b. many industry experts have questioned the desire for having and the ability for one system to effectively order information as is evidence by quotations summarized and appended to this Affidavit as Exhibit B. As such, there currently are no competitive products in the market that include the universal knowledge information and data storage system recited in Claims 1-22 of the present application;
- c. the commercial success of the book and the inventive universal knowledge information and data storage system described therein is demonstrated by the fact that over one hundred thousand (100,000) copies of the book has, since January of 2007, been distributed in 20 countries, in hard copy and paperback, the book has been translated into eleven (11) languages and has resulted in over approximately five hundred thousand dollars (\$500,000 USD) in retail book sales;
- d. the industry recognizes the merits of the book and the inventive universal knowledge information and data storage system described therein as is demonstrated by a number of statements from industry experts included in a "Praise for The Hamster Revolution" Section at an unnumbered page 2 of the book, on a back cover of the book, and in a document appended to this Affidavit as Exhibit C; and
- e. the commercial success of the book is further evidenced by the fact that The Hamster Revolution is an Amazon.com best-seller. It rapidly rose to number thirty (30) on the Amazon.com business book best-seller list for the first quarter of 2007 which includes thousands of titles, while only slightly over one hundred thousand dollars (\$100,000 USD) was spent publicizing the book.

5. I conduct educational seminars related to knowledge work wherein the features and functions of the inventive universal knowledge information and data storage system as recited in Claims 1-22 of the present application are described and taught to employees of a wide range of corporate entities, which represent about fifteen percent (15%) of The Business Week® Global 1000 Companies including, for example, the General Electric Company, Hewlett Packard, McDonald's Corporation, Mercedes-Benz USA, LLC, and the Schering-Plough Corporation. An exemplary portion of these corporate entities is also provided in a summary page appended to this Affidavit as Exhibit D. Such educational seminars have, since 2003, generated approximately three million dollars (\$3,000,000 USD) in services revenue to CKS. While exact market share figures for email and filing efficiency training are not known, CKS has defined itself as a leader in this market. When considering the COTA component we may already have as much of twenty percent (20%) of the market for training specifically targeted at helping business people reorganize their email and documents. Over twenty (20) other companies have contracted with CKS to resell its Info-Excellence® training including the COTA module which is also known as "File and Find It Fast."

6. In my opinion, at least one reason for the commercial success of the inventive universal knowledge information and data storage system as recited in independent Claims 1, 16 and 22 of the present application is a direct consequence of superior properties and advantages of the system recited in these claims including, *inter alia*:
 - a. an interface providing a plurality of logical partitions for segregating and storing knowledge, information and data (KID) in a priority-based and standardized scheme;
 - b. the priority based scheme reflects personal and professional core values of a free enterprise economic system and, thus, is universal as the scheme has applicability in more than one industry;
 - c. the priority based scheme includes personal levels that segregate KID storage into a TEAMS OF PEOPLE subset, an ACTIVITIES subset and an ORGANIZATION AND ADMINISTRATION subset, as well as professional levels that segregate KID storage into a CLIENTS subset, an OUTPUT subset, a TEAMS subset and an ADMINISTRATION subset;
 - d. the standardized scheme includes a clustering of KID to promote transferability between receivers, extensibility across data store platforms (e.g., electronic and physical storage) and scalability in understanding of the KID by providing a plurality of professional scheme models at an enterprise view, a business unit view, a division view, departmental view, team view and an individual view; and
 - e. the interface further providing rules and tools for configuring a data store and for storing and accessing KID included therein.
7. At least one exemplary implementation of the inventive universal knowledge information and data storage system as recited in independent Claims 1, 16 and 22 of the present application is illustrated in a document appended to this Affidavit as Exhibit E, entitled "Turner Construction & COTA®." In my opinion Exhibit E demonstrates a so-called "vertical scalability" of the professional scheme models at the enterprise view (Turner Shared Drive), department view (Departmental Teams) and team view (Jobsite Teams).
8. I believe that the initial and continued commercial success of the inventive universal knowledge information and data storage system as recited in Claims 1-22 of the present application is due to the aforementioned superior properties and advantages not described or disclosed in conventional systems.
9. Based on the foregoing and my years of experience in the industry, it is my opinion that the inventive universal knowledge information and data storage system as recited in Claims 1-22 of the present application is superior to anything previously available to the knowledge worker.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:

Michael R. Song

Date:

12/4/08

Sworn to before me this 4th day of December, 2008

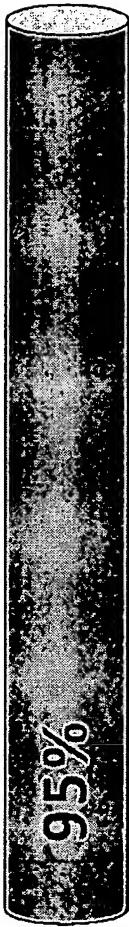
Dorothy B. Dwyer Notary Public
Dorothy B. Dwyer

My Commission expires 06/30/2013

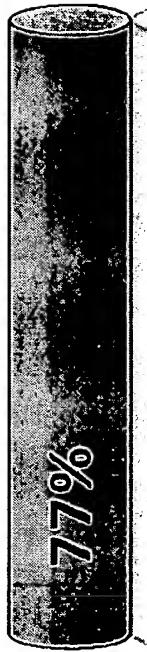
File & Find Challenges

EXHIBIT A

I'd like to improve
my storage system



It's often frustrating
to locate stored email
and documents



Keeping track of
document versions is
often challenging



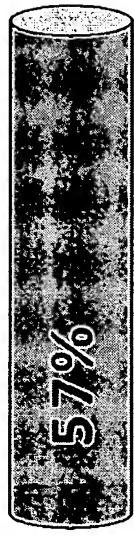
Source: 20,000 Professionals, Info-Excellence Pre-Training Survey 2003

infoeXcellence

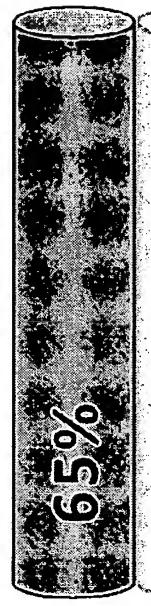
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File & Find Challenges

I often print documents to make sure I won't lose them



The quality of our team shared drive is 'poor' to 'fair'



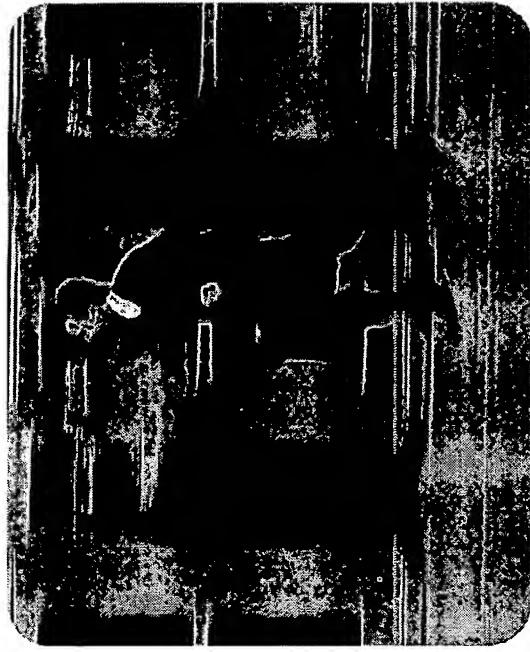
Source: 20,000 Professionals, Info-Excellence Pre-Training Survey

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The High Cost of Lost Information

- 15-35% of the day is spent searching for information
- 50% of searches are unsuccessful
- Annual cost of lost information is \$5,000 per employee



Feldman, Susan, IDC, Information Disasters and the High Cost of Not Finding Information: Portals Magazine; June 2003

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COTA Surprises Experts

Jon Spira, CEO – Basex

“It's a futile quest to try to order information and knowledge.”

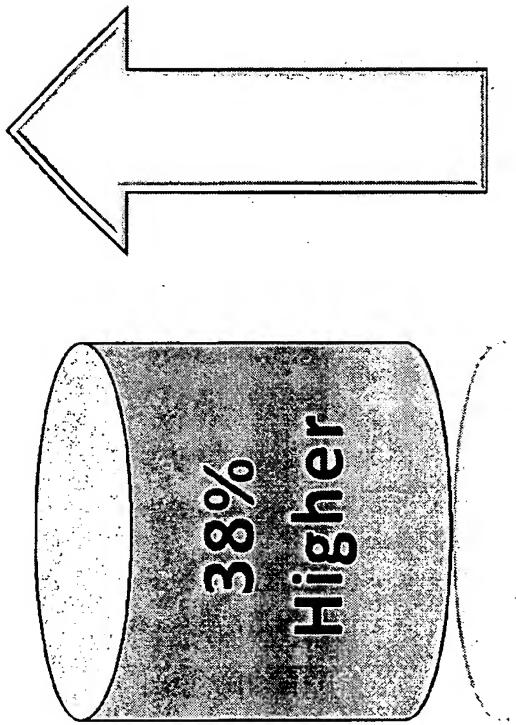
Information Workers Productivity Council*

- “There is ***no market*** for PKM (personal knowledge management) products and services because the best categorization schemes, organization systems, and electronic devices are ones that are very personally defined and best suit and individual knowledge worker's lifestyle and work habits.”

EXHIBIT B

Filing and Finding Efficiency Rises

20,000 Surveys Show Leap in
File and Finding Ability With COTA



*"Thank you, Thank you, Thank you – COTA has made me
ten times more organized."*

-- Beverly Tramontell, VP of IT, General Reinsurance

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COTA Clients: 15% of Global 1000

<u>Services</u>	<u>Healthcare</u>	<u>Manufacturing</u>
- ABC TV	- Astra Zeneca	- International Paper
- Air Tran	- Anthem	- GE
- Booz-Allen	- Boehringer-Ingelheim	- General Mills
- Capital One	- Genentech	- HP
- Century 21	- Novartis	- McDonalds
- Deloitte	- Schering Plough	- Mercedes
- DHL	- TAP Pharma	- Nissan
- Generali	<u>Public Sector</u>	- P&G
- Halliburton	- Army	- Shell Oil
- Holiday Inn	- USPTO (700 Books)	- Xerox
- KPMG	- Coast Guard	
- Kelly Services	- Barak Obama Campaign	
- Lucent	- Social Security	
- Sprint		- UCSD

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Turner Construction & COTA®

“We needed a new system like COTA that would give all 5,000 Turner colleagues around the world a process for organizing and managing information.”

E-Filing

COTA® * Folder Structure for Turner Shared Drive

1. Clients/Projects
 1. Job Site/Project A
 2. Job Site/Project B
 3. Job Site/Project C
1. Client/Client's Client
 - Refers to clients that project refers to as clients. Projects, external clients such as contractors, etc.)
1. Client/Client's Client
 - Terms, processes, legal, etc. used for a client (Turner contractors etc.)
1. Team contacts etc info sent from internal Turner teams that send information to the 3rd party client team.
1. Construction Team contacts
 - Estimates
 - Purchasing
 - Business Dev/Contractor
 - Safety
 - Admin
 - Vendor Clearance
 - Tax Form
2. Output (Library of useful content)
 - Job Site/Project A
 - Job Site/Project B
 - Job Site/Project C
3. Teams (These are the individual teams for each internal Turner Team)
 - Accounting
 - IT
 - Finance
 - Estimating
 - Purchasing
 - Sr. Leadership/Educ. Activities
 - Business Development
 - HR
4. Teams (These are the individual teams for each internal Turner Team)
 - Planning
 - Meeting Minutes & Agendas
 - Business Plan
 - Team Building Events
5. Teams (These are the individual teams for each internal Turner Team)
 - Meeting Minutes & Agendas
 - Business Plan
 - Team Building Activities
6. Admin
 - (publishing a non-construction related non-contract job into for employees)
 - COTA Map
 - Vacation Requests
 - Forms
 - Policies & Procedures
 - Benefits info
 - IT (laptop hardware, tech tips, etc.)
 - Travel

COTA® *
0-Clients/Projects
0-Output
T-Teams
A-Admin

COTA® * Folder Structure for Departmental Teams

1. Clients (Projects)
 1. Job Site/Project A
 2. Job Site/Project B
 3. Job Site/Project C
1. Logos
1. Summary of Items
1. Directs
1. Estimates
2. Output (Library of useful content)
 - Job Site/Project A
 - Job Site/Project B
 - Job Site/Project C
3. Items (Departments)
 - Meeting Notes & Agendas
 - Business Plan
 - Team Building Events
4. Admin
 - (publishing all non-purchasing info for team members)
 - COTA Map
 - Vacation Requests
 - General Forms
 - Policies & Procedures
 - Benefits info
 - IT (laptop hardware)
 - Turner Policies & Procedures

COTA® * Folder Structure for Jobsite Teams

1. Client (Project Specific)
 - Owner
 - Designers
 - Subcontractors
 - Agencies
 - Plans & Specifications
 - Logs
 - Reports
 - Schedules
 - Estimates
 - Purchasing Logs & Docs
 - Payments
 - GC/GRS
 - Safety
2. Output (Library)
 - Best Practices
 - Forms
 - Building Systems, General Info
 - Building Standards
3. Teams (Operations)
 - Planning
 - Meeting Minutes & Agendas
4. Admin
 - COTA Map & Uniform, Filing
 - Code
 - Vacation Requests
 - Benefits
 - IT (laptop hardware)
 - Turner Policies & Procedures

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